

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE NINE WEST LBO SECURITIES LITIGATION

Pertains to: <i>Kirschner v. Dickson, et al.</i> , 20-cv-04436 (JSR),	:	
<i>Wilmington Savings Fund Society, FSB v. Dickson, et al.</i> ,	:	
20-cv-04569 (JSR), <i>Kirschner v. Georgiadis, et al.</i> ,	:	20-MD-2941 (JSR)
20-cv-04292 (JSR), <i>Wilmington Savings Fund Society, FSB v.</i>	:	
<i>Georgiadis, et al.</i> , 20-cv-04286 (JSR), <i>Kirschner v. Kimmel, et al.</i> ,	:	NOTICE OF
20-cv-04287 (JSR), <i>Kirschner. McClain, et al.</i> , 20-cv-04262 (JSR),	:	MOTION
<i>Wilmington Savings Fund Society, FSB v. Card, et al.</i> , 20-cv-04335	:	
(JSR) and <i>Kirschner v. Card, et al.</i> , 20-cv-04346 (JSR)	:	

----- X

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Cliff C. Gardner dated September 7, 2020 and the exhibits thereto, and upon all prior proceedings, pleadings, and filings in this Action, Former Non-Management Director Defendants will move the United States District Court for the Southern District of New York, before the Honorable Jed S. Rakoff, United States District Judge, for an Order dismissing the complaints in *Kirschner v. Dickson, et al.*, 20-cv-04436 (JSR), *Kirschner v. Georgiadis, et al.*, 20-cv-04292 (JSR), *Kirschner v. Kimmel, et al.*, 20-cv-04287 (JSR), *Kirschner v. McClain, et al.*, 20-cv-04262 (JSR) and *Kirschner v. Card, et al.*, 20-cv-04346 (JSR) with prejudice for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), and for such other relief that the Court may deem just and proper.

Dated: September 7, 2020
New York, New York

Respectfully submitted,

/s/ Scott D. Musoff

Scott D. Musoff (scott.musoff@skadden.com)

SKADDEN, ARPS, SLATE,

MEAGHER & FLOM LLP

One Manhattan West

New York, New York 10001

Tel.: (212) 735-3000

Fax: (212) 735-2000

Robert S. Saunders, *pro hac vice*

(rob.saunders@skadden.com)

Cliff C. Gardner, *pro hac vice*

(cliff.gardner@skadden.com)

One Rodney Square

P.O. Box 636

Wilmington, Delaware 19899-0636

Tel.: (302) 651-3000

Fax: (302) 651-3000

Attorneys for Defendants Gerald C. Crotty, Robert L. Mettler, Robert & Susan Mettler Family Trust U/A 3/27/06, Robert L. Mettler, Susan T. Mettler, Trustees, Mary Margaret Hastings Georgiadis, Telendos, LLC, Ann Marie C. Wilkins, Sidney Kimmel, The Sidney Kimmel Revocable Indenture of Trust, John D. Demsey, Matthew H. Kamens, James A. Mitarotonda, Jeffrey Nuechterlein and Lowell W. Robinson.